

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Joshua Paul Barron,

Case No. 22-cv-1797 (ECT/LIB)

Petitioner,

v.

**REPORT AND RECOMMENDATION**

United States of America,

Respondent.

---

This matter comes before the undersigned United States Magistrate Judge pursuant to a general assignment made in accordance with the provision of 28 U.S.C. § 636, and upon the routine supervision of the matters that pend before the undersigned.

This Court previously directed Petitioner Joshua Paul Barron, a prisoner currently detained at the Federal Correctional Institution in Greenville, Illinois, to show cause why this habeas corpus matter should not be transferred to the United States District Court for the Southern District of Illinois pursuant to 28 U.S.C. § 1406(a). (See Order [Docket No. 5] (noting that a habeas corpus petition such as Barron’s Petition must be filed in the district of incarceration not the district of conviction)). Petitioner was ordered on August 19, 2022, to explain within thirty days of the date of that Order why this matter should not be transferred, failing which it would be recommended that this matter be transferred to the Southern District of Illinois. See Id.; 28 U.S.C. § 1406(a) (“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”).

That deadline has now passed, and Petitioner has not responded to this Court’s order to show cause. In fact, since the Court issued the Order to show case, Petitioner has not taken any

action in the present case. Accordingly, for the reasons explained in greater detail in the Order to show cause, [Docket No. 5], it is recommended that this matter be transferred to the Southern District of Illinois—that is, the District within which Petitioner is now confined, and therefore the appropriate District for Petitioner to pursue habeas corpus relief. See United States v. Flores, No. 15-cr-210 (MJD/SER)(6), 2019 WL 7494942, at \*2 (D. Minn. June 27, 2019).

Therefore, based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this matter be **TRANSFERRED** to the United States District Court for the Southern District of Illinois pursuant to 28 U.S.C. § 1406(a).

Dated: September 30, 2022

s/Leo I. Brisbois  
Hon. Leo I. Brisbois  
United States Magistrate Judge

### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).